THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.909 of 2003

Dated:05.07.2007

Between:

Pallela Ramulu, S/o.Venkatesu.

…Petitioner

and

The Mandal Revenue Officer, Jeelugumilli, West Godavari District, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.909 of 2003

ORDER:

The petitioner is a resident of Mulagalampalli Village of Jeelugumilli Mandal in West Godavari District. He and his son purchased the land admeasuring Acs.2.90 cents in R.S.No.55/1 and Acs.5.87 cents in R.S.No.55/2 situated in the said Village under an agreement of sale dated 21.04.1968 from Koppula Peddaiah and his sons. The petitioner is statedly in possession of the property and cultivating the same. The first respondent issued urgent circular dated 12.11.2001 directing the petitioner and others (who are non-tribals) to vacate the lands in their possession after the crop is cut. In the said circular the first respondent informed that one Bothe Somaraju and 17 tribals have put in a petition stating that though they got D-Form pattas for various extents of lands during 1998 and 2000, the land is under occupation of non-tribals including the petitioner. The petitioner was alleged to be in possession of land admeasuring Ac.1.00 in R.S.No.55/2E originally assigned to the second respondent, Ac.1.45 cents in R.S.No.55/1A originally assigned to the third respondent, Ac.1.45 cents in R.S.No.55/1B originally assigned to the fourth respondent, Ac.1.00 in R.S.No.55/2D originally assigned to the sixth respondent, and Ac.1.00 in R.S.No.55/2C originally assigned to the seventh respondent. Aggrieved by the same, the petitioner filed the instant Writ Petition.

Respondent No.1 has not filed any counter affidavit. Be that as it

is, the circular issued by the first respondent is self-explanatory. It alleges that the petitioner and others, who are non-tribals, are in possession of the lands assigned to the tribals by way of D-Form pattas. If that be so, it is always open to the first respondent to file a complaint before the Special Deputy Collector (Tribal Welfare) having jurisdiction of the area under Section 3(2) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. Only after obtaining orders of ejectment, the petitioner can be evicted from the land. Unless this procedure is followed, straightaway the petitioner cannot be asked to vacate the land. It is also open to the first respondent to take necessary action under the Andhra Pradesh Land Encroachment Act, 1905, or file a criminal complaint under Section 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

05.07.2007
vs